



1 Jurisdiction By United States Magistrate Judge,<sup>1</sup> must be completed, signed and filed. The  
2 party filing the case or removing it to this District Court is responsible for serving all parties  
3 with the consent forms. Each party must file a completed consent form and certificate of  
4 service with the Clerk of the Court no later than 20 days after entry of appearance or as  
5 otherwise directed by the Court, and shall serve a copy upon all other parties of record in the  
6 case.

7 Any party is free to withhold consent to magistrate-judge jurisdiction without  
8 adverse substantive consequences. Title 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.;  
9 *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 914 (9<sup>th</sup> Cir. 2003) (pointing out that  
10 consent is the “touchstone of magistrate judge jurisdiction” under Title 28 U.S.C. §636(c)).  
11 “A party to a federal civil case has, subject to some exceptions, a constitutional right to  
12 proceed before an Article III judge.” *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing  
13 *Pacemaker Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir.  
14 1984) (*en banc*)).

15 A review of the District Court’s docket reflects that the Complaint was filed  
16 on October 23, 2008. Plaintiff shall have until and including **Thursday, November 6, 2008**  
17 within which to make his selection to either voluntarily consent to magistrate-judge  
18 jurisdiction or elect to have the case assigned to a United States district judge.

19 Accordingly,

20 **IT IS ORDERED** that Plaintiff shall file his written election to either  
21 consent to magistrate-judge jurisdiction or elect to proceed before a United States district  
22 judge on or before **Thursday, November 6, 2008**.

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25 <sup>1</sup>The consent/election form was or will be electronically provided to Plaintiff’s  
26 counsel by the Clerk. One may also find the consent/election form on the District’s web site,  
27 click on “Local Rules” at the top of the page, then click on “Forms” on the left side of the  
28 page and then click on and print the appropriate form. Consent/election forms are not to be  
e-filed. Consent/election forms are to be filed in paper form with the Clerk’s Office. ECF  
Policies and Procedure Manual, II, ¶ M at p.19.

